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FILED/ACCEPTED

MAR 25 2011

Federal Communications Commission
Office of the Secretary

March 25, 2011

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BY HAND DELIVERY

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Attention: Audio Division, Media Bureau

Re: WINW(AM), Canton, Ohio
Facility ID No. 8949
Response to Operational Status Inquiry

Dear Ms. Dortch:

The following is submitted in response to the Operational Status Inquiry, dated January 12, 2011, from H. Taft Snowdon, Supervisory Attorney, Audio Division, Media Bureau. This response is being submitted on behalf of CAP III Productions, Inc. ("CAP III"), which has been serving as the time broker of the station and managing the station's day-to-day operations of the station, subject to the supervision of the licensee, Pinebrook, Inc. Attached hereto at Exhibits 1 and 2 are the declaration of Patrick Barb, President of the licensee, and the declaration of Curtis A. Perry, III, President of CAP III, both of which affirm that the facts recited herein are true and correct.

RECEIVED

2011 MAR 29 A 5:49

COMMUNICATIONS SERVICES DIVISION

Marlene H. Dortch, Esq.
March 25, 2011
Page 2

As an initial matter, please note that while the Operational Status Inquiry is dated January 12, 2011, it was not received at the station until after February 23, 2011. Attached hereto as Exhibit 3 is a copy of the envelope that was initially used to send the Operational Status Inquiry. It is postmarked January 20, 2011, shows a return to sender notice, and also is stamped "Received & Inspected, FEB 22 2011, FCC Mail Room." This envelope was included with the Operational Status Inquiry when it was re-sent by First Class mail on February 23, 2011. A copy of the second envelope, which was sent to an updated address and bears a postmark of February 23, 2011, is attached hereto as Exhibit 4. Thus, this response is being submitted within 30 days of the Commission's successful mailing of the Operational Status Inquiry. While the station regrets the delay in its response, WINW obviously could not respond to an inquiry which it did not receive for whatever reason.

Indeed, WINW had no reason to suspect that any such letter would be sent. As of the date of the letter, January 12, 2011, WINW was operating and was not silent or operating with less than the minimum operating schedule. WINW does not know why anyone would suggest in an inquiry that the station was silent prior to that time, except that the station had had a dispute with the owner of its transmitter site, which WINW understands was potentially to be sold to another party. The lessor wished for WINW to vacate the site or pay increased consideration for use of the site. WINW pointed out, however, that its use of the site was pursuant to a long-term lease entered into with the prior owner.

At the current time, however, WINW is silent. It went silent on February 23, 2011, following theft of the copper feed lines for the station. WINW attempted to resume operation with reduced power, but it found that the transmitter had been damaged during the theft. WINW is currently in negotiations to purchase a replacement transmitter as soon as possible. WINW will seek all appropriate FCC authorizations.

Should any further information be required with regard to this matter, please contact the undersigned.

Very truly yours,



Anne Goodwin Crump
Counsel for CAP III Productions, Inc.

AGC:deb

Enclosures

cc: H. Taft Snowdon, Esquire (with enclosures) **By E-Mail - taft.snowdon@fcc.gov**
Ms. Denise Williams (with enclosures) **By E-Mail - denise.williams@fcc.gov**

Exhibit 1

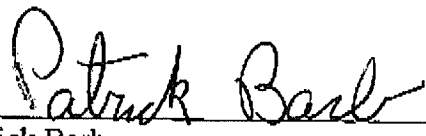
DECLARATION OF PATRICK BARB

I, Patrick Barb, hereby declare and state as follows:

I am President of Pinebrook, Inc., which is the licensee of WINW(AM), Facility ID No. 8949, Canton, Ohio.

I have reviewed the foregoing response to the Operational Status Inquiry, dated January 12, 2011, from H. Taft Snowden, Supervisory Attorney, Audio Division, Media Bureau. I hereby declare under penalty of perjury that the facts contained in the response letter are true and correct to the best of my knowledge and belief.

Dated this 23 day of March, 2011.



Patrick Barb

Exhibit 2

03-21-11 09:04p 19. 1

DECLARATION OF CURTIS A. PERRY, III

I, Curtis A. Perry, III, hereby declare and state as follows:

I am President of CAP III Productions, Inc., which is the time broker which provides programming to and manages the daily operations of WINW (AM), Facility ID No. 8949, Canton, Ohio, subject to the licensee's supervision.

I have reviewed the foregoing response to the Operational Status Inquiry, dated January 12, 2011, from H. Taft Snowdon, Supervisory Attorney, Audio Division, Media Bureau. I hereby declare under penalty of perjury that the facts contained in the response letter are true and correct to the best of my knowledge and belief.

Dated this 23rd day of March, 2011.

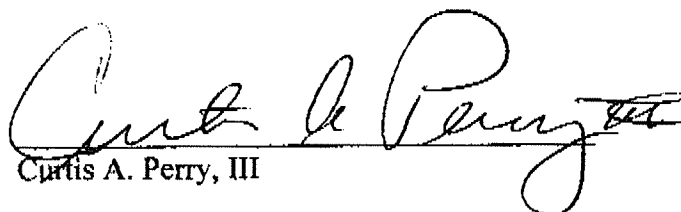

Curtis A. Perry, III

Exhibit 3

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

DENISE WILLIAMS

Route: TERESA

Location: 2-A122

Sender: RETURN TO SENDER

02/22/11 10:12

1 of 1

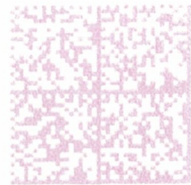


022217101205

PLACE STICKER AT TOP
OF THE RETURN ADDRESS
CERTIFIED



7007 2560 0001 6093 0370



016426513110

\$05.540

01/20/2011

Mailed From: 20743

US POSTAGE

Hastler

Received & Inspected

FEB 22 2011

FCC Mail Room

A ☐ C ☐ S ☐

☐ INSUFFICIENT ADDRESS
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH NUMBER/STREET
☐ NOT DELIVERABLE AS ADDRESSED
☒ OTHER - UNABLE TO FORWARD

RTS
RETURN TO SENDER

Unclaimed





02E

11 0952 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. A
- Item 4 if Restricted Delivery is
- Print your name and address on the reverse
- so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Patrick Barb. President
Pinebrook Inc.
P.O. Box 616
Cuyahoga Falls, OH 44222

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

| | | |
|-------------------------------|---------------------|------------------------------------|
| A. Signature | | <input type="checkbox"/> Agent |
| X | | <input type="checkbox"/> Addressee |
| B. Received by (Printed Name) | C. Date of Delivery | |

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

| | |
|--|---|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) ☐ Yes

Exhibit 4

1800s

Federal Communications Commission
Washington, D.C. 20554

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

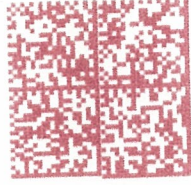
016H26513110

\$00.610

02/23/2011

Mailed From 20743

US POSTAGE



Hasler

WINW by 1520
237 Tuscarawas Street
Canton OH 44702

4470239993

